

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SELECT PORTFOLIO SERVICING, INC., : CIVIL ACTION NO. 15-8638 (MLC)

Plaintiff, : **MEMORANDUM OPINION**

v. :

SHAUN AHERN, et al., :

Defendants. :

THE PLAINTIFF alleges that the defendants Shaun Ahern and Sharon Ahern (“the Aherns”): (1) owned a home (“Home”) that was significantly damaged by fire; (2) were to be issued an insurance check (“Check”) by their insurer, American Modern Home Insurance Company (“AMHIC”), in the amount of \$258,035.48; and (3) failed to indicate that they intended to indorse the proceeds of the Check to the plaintiff, even though the plaintiff was entitled to have those proceeds applied to an outstanding balance for a mortgage related to the Home. (See dkt. 1.)

THE CLERK OF THE COURT has entered default in favor of the plaintiff and against the Aherns in accordance with Federal Rule of Civil Procedure (“Rule”) 55(a). (See entry following dkt. 14.)

THE PLAINTIFF now moves pursuant to Rule 55(b)(2) for the entry of default judgment against the Aherns. (See dkt. 20.) The plaintiff has submitted proof of damages in support of the motion. (See generally id.)

THE AHERNS have not opposed the motion, even though the return date has elapsed. The Court's independent review of the relevant Westlaw databases reveals that the Aherns do not have pending petitions for bankruptcy protection, and thus the Aherns could have responded to the motion.

THE COURT will decide the motion without oral argument. See L.Civ.R. 78.1(b). The Court will grant the motion, because the Court's review of the supporting papers reveals that the plaintiff has demonstrated entitlement to relief.

THE COURT notes that the Aherns have an available avenue to contest the entry of default judgment, if appropriate. See Fed.R.Civ.P. 55(c) (stating court "may set aside a final default judgment under Rule 60(b)"); see also Fed.R.Civ.P. 60(b) (setting forth grounds for relief from final judgment). For good cause appearing, the Court will issue an appropriate order and judgment.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Dated: June 27, 2016